

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-3120

Willis L. Waddell,

Plaintiff - Appellant,

v.

University of Minnesota,

Defendant - Appellee.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: June 16, 2000

Filed: July 19, 2000

Before LOKEN, ROSS, and HANSEN, Circuit Judges.

PER CURIAM.

Willis L. Waddell commenced this damage action after the University of Minnesota terminated him as a Building and Grounds worker in the Facilities Management Department. The district court¹ granted the University's motion for summary judgment. Waddell appeals, arguing that genuine issues of material fact

¹The HONORABLE JAMES M. ROSENBLUM, United States District Judge for the District of Minnesota.

preclude summary judgment on his claim under Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*

Subsequent to the district court's ruling in this case, this court held that ADA suits against States and their instrumentalities, such as the University of Minnesota, are barred by Eleventh Amendment immunity. Alsbrook v. City of Maumelle, 184 F.3d 999 (8th Cir. 1999) (en banc), cert. dismissed, 120 S. Ct. 1265 (2000). Accordingly, the district court properly dismissed the only claim that is at issue on appeal. The judgment of the district court is affirmed. The University's motion to dismiss the appeal is denied as moot. Waddell's motions to supplement the record on appeal and for an extension of time are denied.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.